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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/162,402	09/28/1998	RICHARD MCNALLY	M0971/7001	8813
7590	02/27/2004		EXAMINER	
SHLESINGER ARKWRIGHT & GARVEY LLP 3000 SOUTH EADS STREET ARLINGTON, VA 22202			NGUYEN, BINH AN DUC	
			ART UNIT	PAPER NUMBER
			3713	32
			DATE MAILED: 02/27/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	Applicant(s) MCNALLY ET AL. <i>8JW</i>
	09/162,402	
	<b>Examiner</b>	<b>Art Unit</b>
	Binh-An D. Nguyen	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 17 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-56, 61, 62 and 67-74 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-56, 61, 62 and 67-74 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The Amendment and Declaration under 37 C.F.R. 1.131 filed in Papers No. 30 and 31, respectively, November 17, 2003 have been received. According to the Amendment, claims 1, 14, 27, 28, 41, 55, and 61 have been amended; claims 57-60 and 63-66 have been canceled; and new claims 67-74 have been added. Currently, claims 1-56, 61, 62, and 67-74 are pending in this application. Acknowledgment has been made.

2. Claim 13 is objected to because of the following informalities:

In claim 13 (Paper No. 30), the recited numeral "10" (line 4) should be deleted. Note that, claim 13 has been indicated as originally filed and originally numeral 10 did not exist. Appropriate correction is required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-56, 61, 62, and 67-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over McPhee (2,321,692) in view of Wayner (5,557,717).

McPhee teaches an article of manufacture which report drives of a football game with charts (on chart sheets 4) (Fig.1) comprising: a substrate (chart sheet 4); a plurality of symbols (lines in different colors, 4:27-57) representing distinct and individual plays; a plurality of parallel lines 6 rendered on the substrate; a plurality of line segments (L) corresponding to yard lines on the football field at which the one of the at least two plays began and ended; illustrating different plays, each of the play can be distinguished from other plays (Fig.1). See the entire McPhee reference.

McPhee does not explicitly teach the limitations of symbols identifying player involving in each of the plays (claim 8), or at least two plays (claims 21, 34, 48), or responsible for moving the ball in the field during at least two plays (claims 9, 22, 35, 49); an apparatus for rendering a diagram represent a football game having a processor, a display, computer-readable medium (claims 27, 41, 50, 71, and 73); user inputting data; rendering a plurality of symbols (or different types of symbols) representing at least two distinct and individual plays along a path such that each of the at least two distinct and individual plays can be distinguished from one another (claims 1, 4-7, 14, 27, 41, 45-47, 55 and 61). Wayner, however, teaches a method and device for graphical display of a sporting contest comprising symbols identifying player involving of responsible for moving the ball in the field during each of the play (Fig.5); an apparatus for rendering a diagram represent a football game having a processor, a display, computer-readable medium (Fig.6)(9:60-11:53); user inputting data; and plurality of symbols (different graphical forms with patterns composed of specially designed glyphs, line structures or drawings) each representing individual and distinct

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play for setting game plays (6:45-7:5; 8:55-9:56). Wayner further teaches each of the play can be distinguished from other plays (8:56-9:6). See also, Figs.2A-3; and columns 1-6.

Note, regarding the limitation of rendering a plurality of symbols representing at least two distinct and individual plays along a path such that each of the at least two distinct and individual plays can be distinguished from one another (claims 1, 14, 27, 41, 55 and 61), this limitation can be accomplished by applying Wayner's teaching of using different graphical forms with patterns composed of specially designed glyphs, line structures or drawings for indicating regions of interest. (8:56-67).

Further, regarding the limitations of illustrating symbols representing all plays as occurred during a quarter, during a half, or during an entire game (claims 5-7, 18-20, 31-33, and 45-47); the plurality of line segments joined end-to-end (claims 24, 37, 50), those limitations are design choices since they do not provide unexpected results.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the graphical display method and device for sporting contest utilizing different specially designed symbols of Wayner to McPhee's game charting device to enhance reality and details of a computer-implemented football game illustration system thus attract more readers/users and increase profit.

5. Applicant's arguments and Declaration under 37 C.F.R. 1.131 filed in Papers No. 30 and 31, respectively, November 17, 2003 with respect to claims 1-56, 61, 62, and 67-74 have been considered but are moot in view of the new ground(s) of rejection.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

BN

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700